

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Independent claim 36 has been amended so as to comply with the formal requirements of 35 U.S.C. 112, second paragraph. Claim 36 now sets forth in a Markush group the vegetable-base raw materials. It is submitted that claim 36 as amended complies with 35 U.S.C. 112, second paragraph.

In addition to the foregoing, independent claim 36 has been amended in light of the Examiner's comments set forth in the paragraph bridging pages 28 and 29 of the office action. Claim 36 now sets forth a cosmetic composition having a single oil phase wherein the single oil phase consists of a mixture of vegetable-based raw materials. Thus, claim 36 is not open to any other oil phase. It is submitted that claim 36 as amended is so limited as to eliminate oils from any other source whether they be animal, mineral, or synthetic. It is the intention of Applicants in amending claim 36 to specifically close the claim to any oil phase which has oil from an animal source, a mineral source, or a synthetic source. It is believed that claim 36 as drafted is so limited; however, in the event the Examiner again does not feel that claim 36 is so limited, Applicants have added new dependent claim 77 which specifically sets forth that the single oil phase is free of any animal source oil, any mineral source oil, and any synthetic source oil. Claim 36 is consistent with the clear disclosure in the instant application which sets forth the undesirability of such ingredients in the cosmetic composition of the present invention. In this regard see, for example, paragraphs [0015] and [0017] as well as elsewhere in the instant disclosure.

It is submitted that claim 36 as amended defines over all of the prior art references. U.S. Patent 3,937,811 contain oils derived from sources other than the claimed vegetable-base raw materials. Example III of the '811 document comprises fatty composition C which contains isopropyl lanolate and lanolin. Both components are based on animal sources. The Koulbanis et al. 4,437,895 patent, specifically Example 10, contains liquid lanolin and modified lanolin. Both of these ingredients are animal-based. Example 11 comprises triethanolamin and propyleneglycol, which are both exclusively synthetic-based. Brown 4,360,387 in Example 1 comprises beeswax (an animal source) and acetulin which is modified with lanolin (derived from animals). Bonda 6,355,261 contains hydroxylated lanolin. Lebok et al. 6,277,182 contains alkyl methicone which is synthetic-based. Morane et al. GB 2 084 084 contains lanolin. Callello et al. 6,086,859 contains cyclomethicone and paraffinic hydrocarbons, both of which are synthetic substances.

In light of the foregoing, it is respectfully submitted that claim 36 and all of the claims which depend therefrom patentably define over the art of record and the early issuance of a formal notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

By /Gregory P. LaPointe #28395/
Gregory P. LaPointe
Attorney for Applicants
Reg. No.: 28,395

Telephone: 203-777-6628
Telefax: 203-865-0297

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